

Remarks:

Claims 1–26 are pending the present application, with claims 1, 7, 12, 17, and 22 being independent. In the Office Action dated October 22, 2004, claims 1–21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Jensen, U.S. Patent No. 6,065,000. New claims 22–27 are presently added.

Regarding the claim rejections, Applicant notes that claim 1 has been amended to recite “a code segment operable to perform date gap analysis and control chart analysis on the formatted data and make workload adjustments thereto to produce an analysis output, wherein the date gap analysis includes determining an elapsed time between consecutive events, and wherein the output indicates a value for each elapsed time.” The new language is supported in the specification at page 10, lines 11–18 and Fig. 4, among other places.

The prior art references of record do not teach or suggest each of the limitations of amended claim 1. The prior art does not teach or suggest, for example, a code segment for “determining an elapsed time between consecutive events” nor an output that “indicates a value for each elapsed time.”

While Jensen discloses graphs illustrating accident frequency by day of week and by time of day (Jensen, Figs. 7,69), it makes no reference to a code segment that determines *elapsed time between consecutive events* or generates an *output indicating a value* for each elapsed time. Viewing the output generated by the system disclosed in Jensen, for example, a user would not know how much time transpired between any two events. In fact, using the system disclosed in Jensen, a user would need to *manually*

determine a date for each event in question by looking at individual accident reports (see Jensen, Fig. 3), *manually* create an elapsed time between consecutive events by determining a time between events, and *manually* record each elapsed time, to achieve what the code segment of claim 1 performs *automatically*. The application invention as claimed in claim 1, therefore, clearly presents a distinct advance in the art of data analysis.

Furthermore, there is no motivation or suggestion to modify Jensen to include a code segment operable to perform the functions recited in amended claim 1 because Jensen is fundamentally different than the application invention. The process disclosed in Jensen, for example, is intended to standardize the reporting of workplace incidents by using various pre-determined lists of variables to assist users in creating workplace reports. (Jensen, col. 1, lines 14–58; col. 4 lines 46–59). The system disclosed in the present application, in contrast, advances the art by using special analysis techniques to recognize trends and patterns in data collected over a period of time. Thus, while both inventions may be used in similar environments, the application invention focuses on new and improved data *analysis* and *presentation* techniques, while Jensen focuses on ensuring data *consistency* and *standardization*. Jensen, therefore does not teach or suggest each limitation of amended claim 1.

Claims 7, 12, and 17 have been amended to recite language similar to the new language of amended claim 1, therefore the argument set forth above regarding amended claim 1 also apply to those claims.

New claims 22–27 are supported in the specification at pages 10–11 and Fig. 4, among other places. The prior art references of record do not teach or suggest all of the

limitations of new independent claim 22. The prior art does not teach or suggest, for example, a code segment for "determining an elapsed time between each event, determining an average elapsed time of the events, and determining an elapsed time control limit." For the reasons discussed above relating to amended claim 1, Jensen does not disclose these limitations, nor would it have been obvious to one of ordinary skill in the art to modify Jensen to include the limitations.

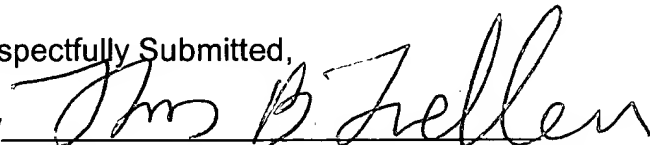
Claims 2–6 depend from claim 1; claims 8–11 depend from claim 7; claims 13–16 depend from claim 12; claims 18–21 depend from claim 17; claims 23–26 depend from claim 22; and claim 27 depends from claim 12.

In view of the foregoing, a Notice of Allowance appears to be in order and such is courteously solicited.

Any additional fee which is due in connection with this amendment should be applied against our Deposit Account No. 19-0522.

Respectfully Submitted,

By



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